

# **JOURNAL OF THE SENATE**

## **NINETIETH SESSION**

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SECOND DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Wednesday, January 14, 2015

The Senate convened at 12:30 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. Mercy Hobbs, followed by the Pledge of Allegiance led by Senate page Savannah Boltjes.

Roll Call: All members present except Sens. Holien and Van Gerpen who were excused.

### **APPROVAL OF THE JOURNAL**

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the first day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Corey Brown, Chair

Which motion prevailed.

1                                   **REPORTS OF JOINT-SELECT COMMITTEES**

2   MR. PRESIDENT:

3           Your Joint-Select Committee appointed for the purpose of fixing the compensation of the  
4   elective and appointive officers and employees of the House and Senate for the Ninetieth  
5   Legislative Session, pursuant to SDCL 2-5-8, respectfully reports that a salary schedule for the  
6   elective and appointive officers and employees has been developed and filed with the Director  
7   of the Legislative Research Council and the State Auditor.

8           In regard to the system for payment of travel expenses to legislators we respectfully report  
9   that:

10           (1) A form listing each weekend during session will be delivered to legislators. Legislators  
11   will be asked to list their travel on that single sheet which would be signed and turned in  
12   at the close of session. Also, pursuant to statute, a voucher must also be signed by each  
13   legislator requesting travel reimbursement.

14           (2) Legislators driving their own car home for a weekend will receive mileage paid at state  
15   rates (37 cents per mile). Legislators not driving home will not be entitled to  
16   reimbursement unless they leased a vehicle or somehow incurred an expense, equivalent  
17   to 37 cents per mile, in such travel.

18           (3) Legislators flying commercially will receive the equivalent of flight expenses as long  
19   as it does not exceed 37 cents per mile.

20           (4) Legislators flying charter or in their own plane will be reimbursed for actual expenses  
21   as long as it does not exceed 37 cents per mile.

22           (5) A maximum of ten trips will be considered for the 2015 Legislative Session, including  
23   the trip for the final legislative day.

24           (6) Pursuant to constitutional provisions, legislators will be paid for their initial trip to  
25   Pierre and their final trip home at the rate of 5 cents per mile.

26   Respectfully submitted,  
27   Dean Wink  
28   Brian Gosch  
29   Spencer Hawley  
30   House Committee

Respectfully submitted,  
Corey Brown  
Tim Rave  
Billie Sutton  
Senate Committee

31   Also MR. PRESIDENT:

32           Your Joint-Select Committee appointed to make arrangements for legislative days  
33   respectfully reports that we recommend the days of the Ninetieth Legislative Session be  
34   January 13 through January 16, January 20 through January 23, January 26 through January 30,

1 February 3 through February 6, February 9 through February 12, February 17 through  
2 February 20, February 24 through February 27, March 3 through March 6, March 9 through  
3 March 13, and March 30.

4 Respectfully submitted,  
5 Mike Stevens  
6 Kris Langer  
7 Peggy Gibson  
8 House Committee

Respectfully submitted,  
Corey Brown  
Tim Rave  
Billie Sutton  
Senate Committee

9 **MESSAGES FROM THE HOUSE**

10 MR. PRESIDENT:

11 I have the honor to inform your honorable body that the House has adopted the report of  
12 the Joint-Select Committee for the purpose of arranging a Joint Session of the two houses to  
13 receive the message of the Governor.

14 Also MR. PRESIDENT:

15 I have the honor to inform your honorable body that the House has adopted the report of  
16 the Joint-Select Committee for the purpose of notifying the Governor that the Legislature is duly  
17 organized and ready to meet in Joint Session to receive any communications he may desire to  
18 make.

19 Also MR. PRESIDENT:

20 I have the honor to inform your honorable body that the House has adopted the report of  
21 the Joint-Select Committee relative to arranging for a joint session to receive the State of the  
22 Judiciary message from the Chief Justice of the Supreme Court.

23 Also MR. PRESIDENT:

24 I have the honor to inform your honorable body that the House has appointed  
25 Reps. Mickelson, Westra, and Bartling as a committee of three on the part of the House to meet  
26 with a like committee on the part of the Senate to arrange for a Joint Session of the two houses  
27 to receive the message of the Governor.

1 Also MR. PRESIDENT:

2 I have the honor to inform your honorable body that the House has adopted the report of  
3 the Joint-Select Committee for the purpose of notifying the Governor that the Legislature is duly  
4 organized and ready to meet in Joint Session to receive any communications he may desire to  
5 make.

6 Also MR. PRESIDENT:

7 I have the honor to inform your honorable body that the House has appointed Reps. Gosch,  
8 Westra, and Hawley as a committee of three on the part of the House to meet with a like  
9 committee on the part of the Senate to arrange for a Joint Session of the Senate and House of  
10 Representatives to receive a message from the Chief Justice of the Supreme Court.

11 Also MR. PRESIDENT:

12 I have the honor to inform your honorable body that the House has appointed Reps. Wink,  
13 Gosch, and Hawley as a committee of three on the part of the House to meet with a like  
14 committee on the part of the Senate relative to the Joint Rules for the Ninetieth Legislative  
15 Session.

16 Also MR. PRESIDENT:

17 I have the honor to inform your honorable body that the House has appointed  
18 Reps. Stevens, Langer, and Gibson as a committee of three on the part of the House to meet  
19 with a like committee on the part of the Senate to arrange for legislative days for the members,  
20 officers, and employees of the Senate and House.

21 Also MR. PRESIDENT:

22 I have the honor to inform your honorable body that the House has appointed Reps. Wink,  
23 Gosch, and Hawley as a committee of three on the part of the House to meet with a like  
24 committee on the part of the Senate for the purpose of setting the compensation schedule of the  
25 elective and appointive officers and employees of the House and Senate for the Ninetieth  
26 Legislative Session, pursuant to SDCL 2-5-8, with the full power to act and that such  
27 compensation schedule be filed with the Director of the Legislative Research Council and the  
28 State Auditor.

1 Also MR. PRESIDENT:

2 I have the honor to inform your honorable body that the House has appointed Reps. Craig,  
3 Hickey, and Soli as a committee of three on the part of the House to meet with a like committee  
4 on the part of the Senate relative to securing chaplains for the Ninetieth Legislative Session.

5 Also MR. PRESIDENT:

6 I have the honor to inform your honorable body that the House has appointed  
7 Reps. Haggar, Bolin, and Hawks as a committee of three on the part of the House to meet with  
8 a like committee on the part of the Senate for the purpose of conferring with the Director of the  
9 Legislative Research Council in regard to making arrangements for the distribution of the  
10 official directory, House and Senate Journals, and bills and other legislative printing for the two  
11 houses and the state offices with the full power to act.

12 Also MR. PRESIDENT:

13 I have the honor to inform your honorable body that the House has appointed Reps. Craig,  
14 Hickey, Hunt, and Feickert as a committee of four on the part of the House to meet with a  
15 committee of three on the part of the Senate for the purpose of arranging for a memorial  
16 recognition of deceased former members of the House and Senate.

17 Respectfully,  
18 Arlene Kvislen, Chief Clerk

19 Sen. Ewing moved that the Senate do now adjourn, which motion prevailed and at  
20 12:50 p.m. the Senate adjourned.

21 Kay Johnson, Secretary

## 22 JOINT SESSION

23 Pursuant to the report of the Joint-Select Committee, as found on page 14 of the Senate  
24 Journal, the Senate convened with the House of Representatives in the House Chamber for the  
25 purpose of receiving a message from the Chief Justice of the Supreme Court, David Gilbertson.  
26 The President of the Senate, Matt Michels, presided.

27 The following prayer was delivered by Chaplain, Bishop David Zellmer, South Dakota  
28 Synod of the ELCA, Sioux Falls, South Dakota:

29 Deuteronomy 1 – Choose from each of your communities individuals who are wise,  
30 discerning, and reputable to be your judges... and Moses said, give the members of your  
31 community a fair hearing, and judge rightly between one person and another whether citizen or

1 resident alien. You must not be partial in judging, hear out the small and great alike; you shall  
2 not be intimidated by anyone.

3 Heavenly Father,

4 You have gifted us with the law and we have set aside these wise and discerning men and  
5 women to be judges over us. Bless their discerning and judgements that they might be fair and  
6 equitable to both the small and great. We pray for Chief Justice Gilbertson, the Supreme Court  
7 Justices and all the Judges and Magistrates who serve in South Dakota.

8 In this time we pray for all those who go in harms way to keep us safe, especially those  
9 who serve in Law Enforcement. We remember those who have died in keeping us safe.

10 Bless as well our Governor, Senators and Representatives and all those who have been set  
11 aside to serve.

12 In Your Holy Name we Pray. Amen.

13 The Secretary of the Senate, Kay Johnson, called the roll of the Senate and the following  
14 members were present:

15 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield, Brock;  
16 Haggar, Jenna; Haverly; Heineman, Phyllis; Heinert; Hunhoff, Bernie; Jensen, Phil; Lederman;  
17 Monroe; Novstrup, David; Olson; Omdahl; Otten, Ernie; Parsley; Peters; Peterson, Jim;  
18 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Vehle; White.

19 The Chief Clerk of the House of Representatives, Arlene Kvislen, called the roll of the  
20 House and the following members were present:

21 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;  
22 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield, Lana; Haggar, Don;  
23 Harrison; Haugaard; Hawks; Hawley; Heinemann; Hickey; Holmes; Hunhoff, Jean; Hunt;  
24 Jensen, Alex; Johns; Kaiser; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;  
25 Mickelson; Munsterman; Novstrup, Al; Otten, Herman; Partridge; Peterson, Kent; Qualm;  
26 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish;  
27 Schrempp; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra; Wiik;  
28 Willadsen; Wollmann; Zikmund; Speaker Wink.

29 Sen. Rave moved that a committee of three on the part of the Senate and a committee of  
30 five on the part of the House be appointed to escort the Honorable David Gilbertson, Chief  
31 Justice of the state of South Dakota, to the rostrum.

32 Which motion prevailed and the President appointed as such committee Sens. Brown,  
33 Rave, and Sutton on the part of the Senate and Reps. Gosch, Westra, Mickelson, Hawley, and  
34 Bartling on the part of the House.

35 The Sergeant at Arms announced the arrival of Chief Justice David Gilbertson, who was  
36 escorted to the rostrum.

1       The Lieutenant Governor, Matt Michels, introduced the Honorable David Gilbertson, who  
2 delivered the State of the Judiciary Address.

3       Sen. Rave moved that the Joint Session do now dissolve.

4       Which motion prevailed.

